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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,032	08/02/2000	Yasuo Kitsugi	032414.01	8210

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 08/03/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,032

Applicant(s)

KITSUGI ET AL.

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner. *filed on 8/2/2000*
- 10) ☒ The drawing(s) filed on 8/2/2000 and propose drawing correction is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/862,389.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Acknowledgement is made of a claim for foreign priority under 35 U.S.C. 119(a)-(d).

Certified copies of the priority documents have been received in parent Application No.

08/862,389 on 7/23/1997.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5, 8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Linford (US 5,687,259).

Regarding claim 1, Linford discloses an aesthetic imaging system comprising a first memory area (memory 26, figure 1, column 3, lines 36-67) in which image information is stored; an input device (stylus and tablet 38, figure 1, column 3, lines 36-67) by which line-drawing information is input; a second memory area (memory 26, figure 1, column 3, lines 36-67) in

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which said line-drawing information input with said input device is stored; a controller that reproduces the image information from the first memory area and overlays said line-drawing information input with said input device and said image information to produce an image signal (the stylus and tablet are used to change the image (overlay) which are reproduced for the patient to see aesthetic changes, the changed image (from the stylus and tablet) is stored in a working memory area, (figure 2, column 3, lines 36-67 and column 4, lines 1-21), thus the system inherently has a controller); and an output by which said image signal is output from said apparatus (output to monitor 32 or printer 36, figure 1).

Regarding claim 4, Linford discloses an erase mode (the system controller also include an undo function which allows the user to erase the information input from the stylus (column 8, lines 1-7 and 43-47) in the working memory area (second memory) without erasing the original image (first memory area)).

Regarding claim 5, Linford discloses a pen type pointing device and a touch tablet (stylus and tablet 38, figure 1, column 3, lines 36-67).

Regarding claim 8, Linford discloses the first memory area and the second memory area are distinct portions of a single, partitioned memory (image captured board 30, figure 2, column 3, lines 66-67 and column 4, lines 1-2).

Regarding claim 11, Linford discloses a frame memory (image captured board 30, figure 2, column 3, lines 66-67 and column 4, lines 1-2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 9, 18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain, IV (US 5,689,742).

Regarding claim 1, Chamberlain, IV discloses a camera comprising a first memory area (memory 7, figures 1-2, column 3, lines 7-10) in which image information is stored; an input device (stylus 14, figures 2-3, column 3, lines 7-15) by which line-drawing information is input; a second memory area (annotation memory 33, figure 3, column 3, lines 15-23) in which said line-drawing information input with said input device is stored; a controller that reproduces the image information from the first memory area and overlays said line-drawing information input with said input device and said image information to produce an image signal (display driver read the image stored in memory 7 for displaying on screen 12 and overlay the annotation 15 on screen 12 (figures 2-3, column 3, lines 7-23).

Chamberlain, IV fail to specifically disclose an output by which said image signal is output from said apparatus. However, Official Notice is taken that it is well known in the art to output a image captured by a camera to an external device for displaying. Therefore, it would have been obvious to output the image captured by the camera in Chamberlain, IV to an external

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device for displaying such as a monitor of a computer in order to let the user can view and edit the image data.

Regarding claim 9, Chamberlain, IV disclose an electronic camera (camera 10, figure 1), shooting lens (lens 3, figure 1, column 3, lines 1-5); an image conversion device (CCD 6, figure 1, column 3, lines 1-5).

As for claims 18 and 22, see Examiner's comment regarding claims 1 and 9, respectively.

7. Claims 1-8, 10, 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catanzaro et al. (US 5,502,727) in view of Lee (US 5,731,852).

Regarding claims 1, 5, 7, Catanzaro et al. disclose an image and audio communication device comprising a first memory (frame buffer 225, column 2, lines 63-65, column 3, lines 58-65); an input device (annotation device 233, figure 2, column 4, lines 1-14); a controller that reproduces the image information from the first memory area and overlays said line-drawing information input with said input device and said image information to produce an image signal (in this system, annotation and image information are sent out across the network in interleave formed and may be stored separately or together upon receipt from another terminal (column 3, lines 5-41).

Catanzaro et al. does not disclose a second memory area in which said line-drawing information is stored. However, Lee discloses a semiconductor memory which is divided to store image and related audio data in separate memory areas (figures 1 and 2c, see abstract).

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Therefore, it would have been obvious to one of ordinary skill in the art to modify the device in Catanzaro et al. by the teaching of Lee in order to store image and annotation data separately. This allows for efficient use of space and quick retrieval of associated data.

Regarding claim 2, Catanzaro does not disclose a third memory area in which text information is stored. However, Catanzaro et al. disclose using a text input box to overlay the image or annotated image with text with a key pad (column 14, lines 53-59). It would have been obvious to include a memory area for storing text information in order to quick retrieve text information.

Regarding claims 3-4, Catanzaro et al. disclose an erasing mode (the user may erase (clear screen) the image and annotation or just annotation by an graphic user interface software, column 14, lines 29-52).

Regarding claim 6, Catanzaro et al. disclose a display (the screen, column 13, lines 65-67); thumb nail image (small icon, column 12, lines 63-67). Catanzaro et al. does not disclose the controller displays an overlaid line drawing information symbol on said display device adjacent one of said thumb nail images when said controller has overlaid said line-drawing information with a portion of said image information represented by said one of said thumb nail images. Official Notice is taken that it is well known in the art to display an overlaid line drawing information symbol adjacent thumbnail images on said display device in order to let he user easily to recognize the information.

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Regarding claim 8, Lee discloses the first memory area and the second memory area are distinct portions of a single, partitioned memory (see abstract, figure 2c).

Regarding claim 10, Catanzaro et al. disclose output jack (images are output over the phone line, column 2, lines 23-26).

As for claims 12-21, see Examiner's comment regarding claims 1-8.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ejima et al. (US 5,974,386) disclose timeline display of sound characteristics with thumbnail video.

Kawamura et al. (US 2002/0008763) disclose an electronic camera having pen input function.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
7/26/04


NGOC-YEN VU
PRIMARY EXAMINER